FILED BY CLERK
JAN 27 2012
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

| | |
|---|---|
| THE STATE OF ARIZONA,<br><br>Appellee,<br><br>v.<br><br>JAMIE SCOTT FREEMAN,<br><br>Appellant. | 2 CA-CR 2011-0183<br>DEPARTMENT B<br><br>MEMORANDUM DECISION<br>Not for Publication<br>Rule 111, Rules of<br>the Supreme Court |

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CR201000060

Honorable Robert Duber, II, Judge

AFFIRMED

---

Emily Danies — Tucson
Attorney for Appellant

---

E S P I N O S A, Judge.

**¶1** After a jury trial, appellant Jamie Freeman was convicted of marijuana use and sentenced to a six-month prison term. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the record but has found no arguable issue to raise on appeal. Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, she has provided "a

detailed factual and procedural history of the case with citations to the record." She asks this court to search the record for fundamental error. Freeman has not filed a supplemental brief.

**¶2** We conclude substantial evidence supported the jury's verdict. *See* A.R.S. § 13-3405(A)(1); *State v. Pena*, 209 Ariz. 503, ¶ 7, 104 P.3d 873, 875 (App. 2005) (appellate court views evidence in "light most favorable to sustaining the verdict"; evidence insufficient only "if no substantial evidence supports the conviction"). The evidence at Freeman's trial established that an agent of the Gila County Narcotics Task Force and three officers from the Gila County Sheriff's Office arrived at Freeman's home after one of his neighbors reported a suspected "drug deal." The neighbor had watched Freeman's friend exchanging cash for "packets" of something before going into Freeman's home. Although Freeman disputed the evidence, the task force agent testified the odor of burnt marijuana he had first detected at Freeman's door became stronger after Freeman invited him and the other officers inside. According to the agent, when he made a comment about the odor, Freeman replied "they had just smoked a joint earlier." The agent stated he then had informed Freeman of his *Miranda* rights[1] and, when he asked where the marijuana was, Freeman took him to a back room, pointed out a plastic bag containing marijuana, and said it was his.[2]

[1]*Miranda v. Arizona*, 384 U.S. 436 (1966).

[2]Similar testimony was offered at a hearing on Freeman's motion to suppress, which was denied by the trial court.

**¶3** This evidence was sufficient to support the jury's verdict. *See State v. Windsor*, 224 Ariz. 103, ¶ 4, 227 P.3d 864, 865 (App. 2010) (substantial evidence "is proof that reasonable persons could accept as convincing beyond a reasonable doubt"); *see also State v. Cid*, 181 Ariz. 496, 500, 892 P.2d 216, 220 (App. 1995) ("The finder-of-fact, not the appellate court, weighs the evidence and determines the credibility of witnesses."). Freeman was represented by counsel, and our review of his sentence confirms it was within the range authorized and was imposed in a lawful manner. *See* A.R.S. § 13-702(D).

**¶4** In our examination of the record pursuant to *Anders*, we have found no fundamental or reversible error and no arguable issue warranting further appellate review. *See Anders*, 386 U.S. at 744. Accordingly, Freeman's conviction and sentence are affirmed.

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge